

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of

Conf. No.: 6633

STENLUND

Atty. Ref.: RAM-3682-63

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Filed: July 26, 2006

Examiner: Wang, Jack K.

For: AN ALARM SYSTEM

* * * * *

September 30, 2010

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexa01ndria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant hereby **appeals** to the Board of Patent Appeals and Interferences from the Final Office Action mailed November 30, 2009. A Notice of Appeal was filed on June 1, 2010, because May 30, 2010 was a Sunday and May 31, 2010 was the national Memorial Day holiday.

Submitted with this Appeal Brief is the Appeal fee set forth in 37 C.F.R. §41.20(b)(2).

Petition is hereby made for a two-month extension of time, from August 1, 2010 to October 1, 2010, to file this Appeal Brief. Also submitted with this Appeal Brief is the fee set forth in 37 C.F.R. §1.17 for the two month extension of time.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment in the fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Deposit Account No.**

14-1140.

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(I) REAL PARTY IN INTEREST

The real party in interest is the Assignee of this application, VENDOLOCUS AB, a privately held Swedish corporation, having an office in Stockholm, Sweden.

(II) RELATED APPEALS AND INTERFERENCES

The Appellant, the Assignee and the undersigned are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 1 – 3 and 5 – 21 are pending, have been finally rejected and are on appeal. No claims have been substantively allowed.

(IV) STATUS OF AMENDMENTS

No amendments have been filed since the mailing of the Final Office Action on November 30, 2009.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

Annotated versions of independent claims 1 and 8, which are marked up with citations to the specification and figures of the present application are as follows:

A. Independent System Claim 1

Independent claim 1 describes an alarm system [Fig. 1 (10), p. 6, lns. 30 – 31] that triggers an alarm signal upon the deviation from at least one environment-dependent reference predetermined for a specific environment [p. 6, lns. 31 – 33]. The alarm system includes at least one portable unit [Fig. 1 (12), Fig. 2 (12), and p. 6, ln. 33] that is placed in an environment [p. 6, lns. 33 – 34] and that has a size not greater than a mobile telephone [p. 7, ln. 3]. Each portable unit includes a sensor system [Fig. 1 (14), p. 7, ln. 4] that records a normal state of the environment in which the unit is placed [p. 6, lns. 33 – 34]. The predetermined environment-dependent reference is comprised of at least a recorded sound/vibration image [p. 10, lns. 6 – 11, Fig. 4] of the normal state of the environment. The sensor system includes an accelerometer/silicon crystal, microphone and temperature sensor [p. 4, lns. 19 – 21]. The accelerometer is triaxial [Fig. 6, p. 6, lns. 26 – 27 and p. 13, lns. 29 – 30]. The portable unit also includes a processor member [Fig. 1 (16), p. 7, lns. 6 – 7] connected to the sensor system [*id.*]. The processor member compares signals received from the sensor system with the predetermined environment-dependent reference [p. 7, lns. 6 – 9], and causes an alarm to be triggered upon determining an occurrence of a predetermined deviation of the signals received from the sensor system from the predetermined environment-dependent reference [p. 3, lns. 27 – 29, p. 3, ln. 33 to p. 4, ln. 3 and p. 4 lns. 6 – 8]. The portable unit further includes a communication member [Fig. 1 (18), p. 7 lns. 9 – 10] that has a unique identity [*id.*] and that is connected to the processor member for wireless communication at least upon the triggering of the alarm signal [p. 7, lns. 9 –

12], and a positioning member [Fig. 1 (20), p. 7, Ins. 12 – 13] connected to the processor member that indicates, at least upon the triggering of an alarm signal, the position of the portable unit [p. 7, Ins. 12 – 15]. The alarm system also includes a memory member [Fig. 1 (24), p. 7, Ins. 15 – 16] connected to the processor member via a distributed computer network [Fig. 1 (22), p. 7, Ins. 15 – 17]. The memory member stores the predetermined reference for dynamic and interactive update and development for different purposes by manoeuvring via fixed and/or mobile telephony and/or radio and/or computer unit [p. 4, Ins. 15 – 18 and p. 7, Ins. 20 – 23].

B. Independent Method Claim 8

Independent claim 8 describes a method for triggering an alarm signal using an alarm system [Fig. 1 (10), p. 6, Ins. 30 – 31]. The alarm system includes at least one portable unit [Fig. 1 (12), Fig. 2 (12), and p. 6, ln. 33] that is placed in an environment [p. 6, Ins. 33 – 34] and that has a size not greater than a mobile telephone [p. 7, ln. 3]. Each portable unit includes a sensor system [Fig. 1 (14), p. 7, ln. 4] that records a sound/vibration image [p. 10, Ins. 6 – 11, Fig. 4] of a normal state of the environment in which the at least one portable unit is placed [p. 6, Ins. 33 – 34]. The sensor system includes an accelerometer/silicon crystal, microphone and temperature sensor [p. 4, Ins. 19 – 21]. The accelerometer is triaxial [Fig. 6, p. 6, Ins. 26 – 27 and p. 13, Ins. 29 – 30]. A processor member [Fig. 1 (16), p. 7, Ins. 6 – 7] connected to the sensor system [*id.*] compares signals received from the sensor system and a recorded predetermined environment-dependent reference [p. 7, Ins. 6 – 9], and causes an alarm to be triggered upon determining an occurrence of a predetermined deviation of the signals received from the sensor system from the predetermined environment-dependent reference [p. 3, Ins. 27 – 29, p. 3, ln. 33 to p. 4, ln. 3 and p. 4 Ins. 6 – 8]. The portable unit also includes a communication member [Fig. 1 (18), p. 7 Ins. 9 – 10] that has a unique identity [*id.*] that is connected to the processor member and adapted for

wireless communication [p. 7, Ins. 9 – 12], at least upon the triggering of an alarm signal [Fig. 1, Abstract, para. [0058]], and a positioning member [Fig. 1 (20), p. 7, Ins. 12 – 13] connected to the processor member that is adapted to indicate, at least upon the triggering of an alarm signal, the position of the portable unit [p. 7, Ins. 12 – 15]. The alarm system also includes a memory member [Fig. 1 (24), p. 7, Ins. 15 – 16] that is connected to the processor member via a distributed computer network [Fig. 1 (22), p. 7, Ins. 15 – 17], and for dynamic and interactive update and development for different purposes by manoeuvring via fixed and/or mobile telephony and/or radio and/or computer unit [p. 4, Ins. 15 – 18 and p. 7, Ins. 20 – 23].

The method for triggering an alarm signal [Fig. 3] using the alarm system includes the steps of:

- by means of the sensor system, detecting different states comprising vibrations, relative position changes, accelerations and temperature, wherein the accelerations are detected against three axes [Fig. 3 (32), p. 9, Ins. 1 – 4];
- comparing the signals received from the sensor system and the at least one environment-dependent reference predetermined for a specific environment and stored in the memory member [Fig. 3 (34), p. 9, Ins. 5 – 8], the predetermined environment-dependent reference being at least a sound/vibration image [p. 10, Ins. 6 – 11, Fig. 4] of the recorded normal state of the environment in which the at least one portable unit is placed [p. 6, Ins. 33 – 34];
- upon deviation of signals received from the sensor system from said environment-dependent reference, triggering an alarm signal [Fig. 3 (36), p. 9, Ins. 8 – 12] and

- according to instantaneous control or predetermined configuration, by means of the communication member of a unique identity, transmitting a message to at least one receiver [Fig. 3 (40, 42), p. 9, Ins. 12 – 17]; and
- according to instantaneous control or predetermined configuration, by means of the positioning member, determining the position of the unit [Fig. 3 (44, 46), p. 9, Ins. 17 – 23];
- transmitting the position to the at least one receiver [Fig. 3 (48), p. 9, Ins. 23 – 24]; and
- dynamically and interactively updating and developing said memory member for different purposes by manoeuvring via fixed and/or mobile telephony and/or radio and/or computer unit [p. 4, Ins. 15 – 18 and p. 7, Ins. 20 – 23].

GROUNDΣ OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claim 7 fails to comply with the written description requirement of 35 U.S.C. §112, first paragraph; and
2. Whether claims 1 – 3 and 5 – 21 would have been obvious, under 35 U.S.C. §103(a), over Vock *et al.* (U.S. 2005/0080566) in view of Gross (U.S. Patent No. 7,266,347).

(VI) ARGUMENT

A. Claim 7 Satisfies the Written Description Requirement

In an Amendment filed September 1, 2009, claim 7 of the present application was amended as follows:

7. (Currently Amended) The alarm system according to claim 1, wherein the memory member ~~consists~~is comprised of a database.

9/1/09 Amendment, p. 4.

Thereafter, in the Final Office Action mailed November 30, 2009, the Examiner rejected claim 7 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, arguing:

The transitional term “comprising”, which is synonymous with “including,” “containing,” or “characterized by,” is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. Whereas the transitional phrase “consisting of” excludes any element, step, or ingredient not specified in the claim. *See* MPEP 2111.03. Applicant only disclosed “the memory consists of a database” [0036 and 0065]. Therefore, the claim limitation of “the memory comprised of database” is [sic, does] not comply with the original specification.

11/30/09 Final Office Action, para. 2, p. 2.

Appellant contends that the amended and current version of claim 7 complies with the written description requirement of §112, first paragraph, for at least two reasons.

1. The Examiner’s Reliance On MPEP §2111.03 To Justify His Rejection Of Claim 7 Is Misplaced

In his rejection of claim 7, the Examiner points to statements in the specification of the present application that the memory member “consists of” a database as justification for limiting the scope of claim 7. In doing so, the Examiner relies on MPEP §2111.03 as a justification for interpreting the “consisting of” statements in the application specification as being a “closed

phrase" within the meaning of MPEP §2111.03, so as to limit the scope of the "memory means" recited in claim 7 to a "database". 11/30/09 Final Office Action, para. 2, p. 2. However, because the statements in the application specification that the memory member "consists of" a database are NOT transitional phrases in claims, the Examiner's reliance on MPEP §2111.03 to justify his rejection of claim 7 is misplaced because MPEP §2111.03 relates to the use of terms, such as "consisting of" and "comprising," as transitional phrases in the claims of an application, and not in the written specification of an application. See MPEP §2111.03, 1st and 3rd paragraphs.

2. The Examiner's Rejection Of Claim 7 Improperly Relies On Out-Of-Context Quotations Of The Statement "The Memory Consists Of A Database"

The Examiner's rejection of claim 7 also improperly relies on out-of-context quotations of the statement "the memory consists of a database" from paragraphs [0036] and [0065] of the published application specification (Appl. Pub. No. US 2007/0188321 A1, hereinafter "Pub. Appl.") to support an argument that the present application definitively describes the memory member 24 as a database 24. A review of the complete statements in paragraphs [0036] and [0065] in which this phrase is used reveals that the plain meaning of these statements is that the memory member is optionally a database.

Paragraph [0029] of the present application describes the subject alarm system as being "a very flexible solution" and having the "substantial advantage" of being "dynamic" and capable of being "updated automatically". Pub. Appl., para. [0029]. Following this disclosure are a number of paragraphs in the application specification which describe additional advantages of the disclosed alarm system. In this regard, paragraph [0036] of the application specification states:

[0036] In this connection, an additional advantage is obtained if the memory member consists of a database.

Pub. Appl., para. [0029] (Emphasis added).

It is clear from the full sentence constituting paragraph [0036] that the phrase “if the memory member consists of a database” is a conditional phrase, which implies that the memory member may not be of a database. Along these same lines, paragraph [0065], the other paragraph cited by the Examiner to support his §112, first paragraph, rejection, states:

[0065] According to a preferred embodiment of the alarm system 10 according to the present invention, the memory member 24 consists of a database 24.

Pub. Appl., para. [0065] (Emphasis added).

The full sentence constituting paragraph [0065] is also a conditional phrase, in that it states that the memory member 24 being a database 24 is a preferred embodiment, thereby suggesting that in other embodiments of the alarm system 10 the memory member 24 will not be a database 24.

Indeed, as can be seen from the specification of the present application, Appellant describes “the memory member” in terms other than just “a database”.

The specification of the present application describes the memory member at several points. The specification states that the alarm system of the present application triggers an alarm signal upon a deviation from at least one environment-dependent reference(s) predetermined for a specific environment and that the alarm system comprises a memory member connected to a processor member via a distributed computer network and adapted for the storage of the predetermined reference(s). Pub. Appl. para. [0028]. In this same regard, when describing the Alarm method process steps, the specification states that an advantage is obtained if the process

includes the step of “registering and in the memory member storing the reference/references that may consist of a sound/vibration image specific to each unit.” Pub. Appl. para. [0049]. The memory member is also described as being adapted for dynamic and interactive update and development for different purposes by maneuvering via fixed and/or mobile telephony and/or radio and/or computer unit. Pub. Appl. para. [0030]. The memory member is further described being adapted for continuous storage of comparisons and/or continuous storage of deviations. Pub. Appl. para. [0035]. None of these descriptions is specifically tied to the memory member being a database.

Thus, Appellant respectfully asserts that the current version of claim 7 satisfies the written description requirement of 35 U.S.C. §112, first paragraph.

B. The Claimed Invention Would Not Have Been Obvious Over Vock And Gross

In the Final Office Action mailed November 30, 2009, the Examiner rejected claims 1 – 3 and 5 – 21 under 35 U.S.C. §103(a) as being unpatentable over Vock *et al.* (Publication No. US 2005/0080566 A1) (hereinafter “Vock”) in view of Gross (USP 7,266,347 B2) (hereinafter “Gross”).

In rejecting a claim under 35 U.S.C. §103(a) as being unpatentable over a combination of references, an Examiner must point to a reason as to why one of ordinary skill in the relevant art would have combined the cited references to produce the claimed invention. Assuming, *arguendo*, that the Examiner properly combined the cited Vock and Gross references in his rejection of claims 1 – 3 and 5 – 21 under §103(a), the resulting combination is not the claimed invention because Vock and Gross, either alone or in combination, do not disclose an alarm system or method that triggers an alarm upon the occurrence of a predetermined deviation from a

predetermined environment-dependent reference that is comprised of at least a recorded sound/vibration image of the normal state of the environment in which a portable unit is placed, as recited in independent claims 1 and 8 of the present application.

1. **Vock Does Not Disclose An Alarm System And Method In Which An Alarm Is Triggered Upon A Predetermined Deviation From A Predetermined Environment-Dependent Reference Comprised Of A Recorded Sound/Vibration Image Of The Normal State Of The Environment**

The Examiner contends that Vock discloses an alarm system that triggers an alarm signal upon a deviation from at least one environment-dependent reference predetermined for a specific environment, pointing to paragraph [0037], lines 1-3 of Vock to support his assertion. In this regard, the Examiner defines the term "deviation" as "exceed[ing] some predetermined threshold or value" and the phrase "environment-dependent references" as "events". 11/30/09 Final Office Action, para. 4, pp. 3 – 6.

A review of Vock reveals that Vock does NOT disclose an alarm system (i) that triggers an alarm upon a predetermined deviation from at least one environment-dependent reference predetermined for a specific environment, and (ii) that includes a sensor system for recording a normal state of the environment while in the environment, and a processor member for comparing signals from the sensor system with the predetermined environment-dependent reference, where the predetermined environment-dependent reference is comprised of at least a recorded sound/vibration image of the normal state of the environment, as recited in independent claims 1 and 8 of the present application.

Rather, Vock discloses a sensor that may be used in applications, such as within sports, the shipping industry and medical and health industries, *e.g.*, Vock, p. 1, para. [0002], and that sticks to people and objects and senses conditions associated with movement and/or the

environment of the sensor, *e.g.*, *id* at para. [0006]. Specifically, Vock discloses a Movement Monitoring Device (“MMD”), *e.g.*, *id* at para. [0008] and an Event Monitoring Device (“EMD”) that record an “event”, *e.g.*, *id*, p. 5, para. [0062] and [0063] where conditions associated with the environment and/or movement of a sensor applied to a person or an object exceed some predetermined threshold or value that is NOT determined from recording a normal state of the environment in which the sensor is used and that is NOT a recorded sound/vibration image of the normal state of the environment.

The citation of paragraph [0037], Ins. 1-3, in Vock, relied upon by the Examiner in his rejection of claims 1 – 3 and 5 – 21 under §103, relates to the MMD disclosed by Vock, where data associated with an “event” is acquired for purposes of determining whether it exceeds some predetermined threshold or value. Vock states that the MMD measures one or more environmental metrics that include temperature, humidity, moisture, altitude and pressure, *id.*, p. 4, para. [0037]. But these data are not compared to at least one environment-dependent reference predetermined for a specific environment, where the predetermined environment-dependent reference is comprised of at least a recorded sound/vibration image of the normal state of the environment. *See id.*

The MMD disclosed by Vock also monitors movement events in an environment. Some of the examples given by Vock for such movement events include impact, acceleration, rotation, velocity, air time, speed, drop distance, altitude variations and jerk variations. A discussion of these appears at page 5 of Vock in paragraphs [0047] to [0057].

The EMD disclosed by Vock monitors and reports temperature, humidity, chemicals, heart rate, pulse, pressure, stress, weight, environmental factors and hazardous conditions. *E.g.*, Vock, p. 5, para. [0061] and [0062]. But, here again, the EMD is monitoring one or more

metrics for events where the data that is acquired “exceeds some predetermined threshold or value.” Vock, p. 7, para. [0080]. In this same paragraph, Vock gives several examples of the metrics monitored by an EMD. Vock talks about (1) a temperature sensor used to determine whether a temperature event exceeds a threshold, (2) a humidity sensor to determine whether the humidity event reach specified humidity conditions, such as 98% humidity, (3) a stress monitor to determine whether the heart rate of a human has increased to a rate of over 180 beats per minute, and (4) a chemical or pH detector to determine a change of chemical composition of an object.

None of these examples for either the MMD or the EMD described in Vock is designed to ascertain whether a deviation has occurred from at least one environment-dependent reference predetermined for a specific environment, where the predetermined environment-dependent reference is comprised of at least a recorded sound/vibration image of the normal state of the environment.

Appellant explains the significance of the claimed invention not being based on exceeding a specified value or a threshold for an object, as in Vock’s sensor, as follows. Appellant notes that the claimed invention is based on the fact that every object in the world is unique, in that it has its own “normal state” in a given environment, which state can be stored as a “predetermined environment-dependent reference” for the object.

Appellant notes, for example, if Vocks’ sensor is used as an alarm system to generate an alarm signal when a motor is starting to deviate from its normal operating condition, Vocks’ sensor, to record such an event, requires the specification of a threshold or value for the motor that is to be set as a reference so that Vock’s sensor can determine whether the specified

threshold or value has been exceeded. Appellant contends that determining the threshold or value to use can be a difficult task that can take time to accomplish.

Appellant further notes, in contrast, that the claimed alarm system and method can quickly and accurately define the normal state of the motor by sensing and recording the operation of the motor in its environment, and then can make comparisons continuously, temporarily and on demand to determine if the motor begins to vary from its recorded normal state in it's environment as it continues to operate.

**2. The Examiner Acknowledges That Vock Does Not Teach
The Claimed Predetermined Environment-Dependent Reference
That Is Comprised Of At Least A Recorded Sound/Vibration Image**

The alarm system and method described in independent claims 1 and 8 of the present application includes a portable unit that is comprised of (a) a sensor system which records a normal state of the environment in which the portable unit is placed so as to produce a predetermined environment-dependent reference comprised of at least a recorded sound/vibration image of the normal state of the environment, and (b) a processor member connected to the sensor system which compares signals received from the sensor system with the predetermined environment-dependent reference (the recorded sound/vibration image) and which triggers an alarm to upon the occurrence of a predetermined deviation from the predetermined environment-dependent reference.

Figure 4 of the present application shows, for a portable unit of the kind used with the alarm system and method described in independent claims 1 and 8 of the present application, two examples of sound/vibration images with a deviation “A”.

In the Final Office Action, the Examiner acknowledged that “Vock *et al.* does [sic, do] not teach the predetermined environment-dependent reference being at least a recorded image of the normal states of environment.” 11/30/09 Final office Action, para. 4, p. 4, lns. 8 – 9.

3. Gross Does Not Teach The Claimed Predetermined Environment-Dependent Reference That Is Comprised Of At Least A Recorded Sound/Vibration Image

In rejecting claims 1 – 3 and 5 – 21 under §103(a) as being unpatentable over Vock in view of Gross, the Examiner recognizes that the primary Vock reference does not disclose a predetermined environment-dependent reference that is at least a recorded image of the normal state of an environment, but seeks to compensate for this deficiency in the teachings of Vock by pointing to Gross as purportedly disclosing the claimed recorded image. The Examiner identifies this image as a “voice print”, pointing to paragraph [0043], lines 1 – 8 of Gross (*i.e.*, Gross’ published application no. US 2004/0253926A1) to support his contention. 11/30/09 Final Office Action, para. 4, p. 4, lns. 8 – 12.

Gross purports to disclose a remote monitoring device that is integrated as part of a cell phone or personal digital assistant. Gross, Abstract, lns. 1 – 2. Gross does teach, in paragraph [0043] (of his published application), that in a variation of his device, a user can record a child’s voice print, a child’s cry, or some other sound event that is stored in the form of a digital sound template in the memory 183 of the monitoring transceiver 130.

But, Gross does not teach the claimed predetermined environment-dependent reference that is comprised of at least a recorded sound/vibration image for at least three reasons.

(i) Gross’ Sound Recordings Are Not Environment-Dependent

First, Gross’ recordings of “a child’s voice print, a child’s cry, or some other sound event” are not described as being environment-dependent recordings. Gross in no way teaches that the

recordings are to be made in an environment that is to be monitored, as is the case with the claimed alarm system and method. Conceivably, a given recoding can be very much affected by the environment in which it is made, such as for example, a recording made in a chamber with a large amount of reverberation, versus the “same recording” being made in a room with sound absorbing materials.

(ii) Gross Is NOT Concerned With Determining Whether A Predetermined Deviation From A Predetermined Environment-Dependent Reference Has Occurred

Second, Gross is NOT concerned with determining whether a predetermined deviation from a recorded predetermined environment-dependent reference has occurred. Rather, Gross teaches that the sound template can then be used later to confirm a match to a sound analyzed by a sound recognition detector within the transceiver to generate an alert. Gross, p. 4, para. [0043]. To accomplish this, Gross notes that many cell phones are expected to be equipped with a speech recognizer that can be used for this purpose. *Id.* Thus, Gross’ device is looking for a match to the sound template, and not a predetermined deviation from the sound template, as would be the case in the alarm system claimed in the present application. Basing an alarm trigger on the lack of a “match” as opposed to a “predetermined deviation” has the potential for the occurrence of more (and likely unnecessary) false alarm triggers.

(iii) Gross Does Not Teach Recording A Sound/Vibration Image Of The Normal State Of An Environment

Finally, Gross teaches using a sound template and NOT a recording of a sound/vibration image of the normal state of an environment. Thus, Gross’ voice print can not be construed to be the claimed predetermined environment-dependent reference that is comprised of at least a

recorded sound/vibration image of the normal state of an environment, which is recited in independent claims 1 and 8 of the present application.

Thus, Gross does not compensate for the acknowledged deficiency in the teachings of Vock. As such, independent claims 1 and 8 of the present application are not obvious over the combination of Vock and Gross.

4. The Dependent Claims Are Not Obvious Over Vock and Gross

Because independent claims 1 and 8 of the present application are not obvious over the combination of Vock and Gross, dependent claims 2, 3, 5 – 7 and 9 – 21, which depend either directly or indirectly from independent claims 1 and 8, are also not obvious over the combination of Vock and Gross.

Vock also does not teach the various elements recited in the dependent claims of the present application, contrary to the Examiner's contentions that Vock does.

(a) Dependent Claims 2 and 10.

The Examiner contends that Vock discloses the sensors recited in claims 2 and 10 of the present application, arguing:

Vock *et al.* clearly show and discloses [sic] the alarm system, wherein each sensor system furthermore comprises at least one of the following sensors: frequency transmitters, strain gauges, a camera, UV/photocells, electronic noses, anemometers, infrared sensors, gamma transducers, laser sensors, inductive sensors, flow sensors, level transducers, tension gauges and pressure gauges,

citing paragraph [0195 lines 7-9] of Vock for support.

In fact, paragraph [0195] of Vock has nothing to do with sensors. This paragraph relates to "communications". It states:

[0195] Communications port 16 communicates event data from device 10 to a receiver 24 as wireless data 30a. Port 16 typically performs such communications

in response to commands from processor 14. Communications port 26 receives wireless data 30a for use within receiver 24. If desired, communications port 26 can also communicate with port 16 to transmit wireless data 30b to device 10. In such an embodiment, ports 16, 26 are preferably radio-frequency, infrared or magnetically-inductive transceivers. Alternatively, port 26 is a transmitter that interrogates device 10; and port 16 is a transponder that reflects event data to receiver 24. In one preferred embodiment, receiver 24 is part of the circuitry and packaging of a cell phone, which relays events (e.g., a movement event) to a remote storage facility. In other embodiments, receiver 24 is part of the circuitry and packaging of a MP3 player, pager, watch, or electronic PDA. Receiver 24 may connect with headphones (not shown) to provide information to a user and corresponding to "event" data.

Vock, p. 10, para. [0195]. Thus, paragraph [0195] does not support the Examiner's rejections of claims 2 and 10.

(b) Dependent Claims 3 and 11.

The Examiner contends that Vock discloses the units described in claims 3 and 11 for determining a position as being comprised of a GPS, GPRS or GSM unit, arguing:

Vock et al. clearly show and discloses [sic] the alarm system, wherein each positioning member comprised of at least one of the following units: GPS unit, GPRS unit, and GSM unit,

citing paragraph [0305 lines 3-8] of Vock for support.

In fact, in paragraph [0305] of Vock does NOT disclose positioning members comprised of GPS, GPRS or GSM units, and only states with regard to using a GPS sensor to provide "fore/aft tilt" and "speed" data:

[0305] As alternatives to [computerized bicycle] system 540, without departing from the scope of the invention, those skilled in the art should appreciate that . . . (3) a GPS sensor providing earth location and altitude may instead provide the data of sensors 542 [fore/aft tilt], 544 [speed] for system 540; . . .

Vock, p. 25, para. [0305]. Thus, paragraph [0305] does not support the Examiner's rejections of claims 3 and 11.

(c) Dependant Claim 6.

The Examiner contends that Vock discloses the memory member recited in claim 6, which is described as continuously storing comparisons and/or deviations, arguing:

Vock *et al.* clearly show and discloses [sic] the alarm system, wherein the memory member continuously stores of comparisons and/or deviations (events),

citing paragraph [0215 lines 1-9] of Vock for support.

In fact, paragraph [0215] of Vock does not relate to a memory member continuously storing comparisons and/or deviations. This paragraph relates to storing MMD event data from interrogated MMDS. It states:

[0215] Accordingly, data from such a MMD is preferably stored in internal memory (e.g., memory 20, FIG. 1) until the data are retrieved by receiver 24. In the example above, the interrogation to read MMD data occurs at the end of travel of the MMD from point A to point B. Multiple events may in fact occur for a MMD during travel; and multiple events are usually stored. Alternatively, a MMD may communicate the event at the time of occurrence so long as a receiver 24 is nearby to capture the data. By way of example, if each FEDEX truck contained a receiver integrated with the truck, then any MMD contained with parcels in the truck can transmit events to the receiver at the occurrence of the event.

Vock, p. 13, para. [0215]. Paragraph [0037] of Vock describes the MMDS as monitoring one or more movement metrics for “events”, when the data acquired exceeds some predetermined threshold or value. This is different from storing comparisons and/or deviations, as recited in claim 6, and thus, paragraph [0215] does not support the Examiner’s rejections of claim 6.

(d) Claim 15.

The Examiner contends that Vock discloses using a predetermined environment-dependent reference as a default setting for a portable unit supplemented by the recorded normal state of an environment, as recited in claim 15, arguing:

Vock et al. clearly show and discloses [sic] the alarm system, wherein the predetermined environment-dependent reference is default settings for the portable unit supplemented by the recorded normal state of the environment,

citing paragraph [0037 lines 1 – 7] of Vock for support.

In fact, paragraph [0037] of Vock has nothing to do with using a predetermined environment-dependent reference as a default setting for a portable unit supplemented by the recorded normal state of an environment. This paragraph states:

[0037] In accord with one aspect, a MMD monitors one or more movement metrics for "events," where data is acquired that exceeds some predetermined threshold or value. By way of example, in one aspect the detector is a triaxial accelerometer and the processor coupled to the accelerometer seeks to determine impact events that exceed a threshold, in any or all of three axes. In another aspect, a single axis accelerometer is used as the detector and a single axis is monitored for an impact event. In another example, the detector and processor collectively monitor and detect spin events, where for example it is determined that the device rotated more than 360 degrees in 1/2 second or less (an exemplary "event" threshold). In still another aspect, the detector is a force detector and the processor and detector collectively determine a change of weight of an object resting on the MMD over some preselected time period. In one specific object, the invention provides for a MMD to monitor human weight to report that weight, on demand, to individuals. Preferably, such a MMD is in a shoe.

Vock, p. 4, para. [0037]. As noted above, paragraph [0037] of Vock relates to MMDS monitoring movement metrics related to cited "events", and thus, paragraph [0037] does not support the Examiner's rejections of claim 15.

(e) Claim 17.

The Examiner contends that Vock discloses an alarm system with a sensor system comprised of a plurality of different types of sensors and wherein an alarm signal is triggered when at least one different types of sensors simultaneously detect deviation from corresponding predetermined environment-dependent references stored in the memory member, as recited in claim 17, arguing:

Vock et al. clearly show and discloses [sic] the alarm system, wherein the sensor system is comprised of a plurality of different types of sensors [0062] and wherein an alarm signal is triggered when at least one different types of sensors simultaneously detect deviation from corresponding predetermined environment-dependent references stored in the memory member,

citing paragraph [0041] of Vock for support.

In fact, paragraph [0041] of Vock does not discuss storing “predetermined environment-dependent references” in memory, but rather storing MMD event data in internal MMD memory.

Paragraph [0041] states:

[0041] In one preferred aspect, the MMD of the invention includes internal memory. Preferably the memory is within the processor or ASIC. Event data is stored in the memory, in accord with one aspect, until transmitted off-board. In this way, the MMD monitors and stores event data (e.g., an "event" occurrence where the MMD experiences 10'gs). Preferably, the event data is time tagged with data from a real-time clock; and thus a real time clock is included with the MMD (or made integral with the processor or ASIC). A crystal or other clocking mechanism may also be used.

Vock, p. 4, para. [0041]. As discussed above, the event data is not based on stored environment-dependent references. As such, paragraph [0041] does not support the Examiner's rejections of claim 17.

Thus, for the foregoing additional reasons, dependent claims 2, 3, 6, 10, 11, 15 and 17 are not obvious over Vock.

C. CONCLUSION

In view of the foregoing reasons, Appellant respectfully submits that claim 7 in the present application complies with the written requirement of 35 U.S.C. §112, first paragraph, and that claims 1 – 3 and 5 – 21 are not obvious over Vock in view of Gross.

In conclusion, Appellant believes that the present application is clearly in condition for allowance; and therefore, earnestly solicits early reversal of the Final Rejection and passage of the subject application to issue.

Respectfully submitted,

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(VII) CLAIMS APPENDIX

1. An alarm system intended to trigger an alarm signal upon deviation from at least one environment-dependent reference predetermined for a specific environment, the alarm system comprising:

at least one portable unit having a size not greater than a mobile telephone and intended to be placed in said environment, each portable unit comprising:

a sensor system that records a normal state of the environment when placed in the environment, the predetermined environment-dependent reference being comprised of at least a recorded sound/vibration image of the normal state of the environment in which the at least one portable unit is placed, the sensor system comprising an accelerometer/silicon crystal, microphone and temperature sensor, said accelerometer being triaxial,

a processor member connected to the sensor system that compares signals received from the sensor system and said predetermined environment-dependent reference and that causes an alarm to be triggered upon determining an occurrence of a predetermined deviation of the signals received from the sensor system from the predetermined environment-dependent reference,

a communication member of a unique identity connected to the processor member for wireless communication at least upon the triggering of the alarm signal, and

a positioning member connected to the processor member that indicates, at least upon the triggering of an alarm signal, the position of said unit, and

a memory member connected to the processor member via a distributed computer network, the memory member storing said predetermined reference for dynamic and interactive

update and development for different purposes by manoeuvring via fixed and/or mobile telephony and/or radio and/or computer unit.

2. The alarm system according to claim 1, wherein each sensor system further comprises at least one of the following sensors: frequency transmitters, strain gauges, a camera, UV/photocells, electronic noses, anemometers, infrared sensors, gamma transducers, laser sensors, inductive sensors, flow sensors, level transducers, tension gauges and pressure gauges.

3. The alarm system according to claim 1, wherein each positioning member is comprised of at least one of the following units: GPS unit, GPRS unit and GSM unit.

4. (Cancelled)

5. The alarm system according to claim 1, wherein each portable unit comprises at least one basic module, as well as a protecting cover.

6. The alarm system according to claim 1, wherein the memory member continuously stores comparisons and/or deviations.

7. The alarm system according to claim 1, wherein the memory member is comprised of a database.

8. A method for triggering an alarm signal by means of an alarm system comprised of at least one portable unit having a size not greater than a mobile telephone and intended to be placed in an environment, each portable unit comprising a sensor system that records a sound/vibration image of a normal state of the environment in which the at least one portable unit is placed while the portable unit is in the environment, the sensor system comprising an accelerometer/silicon crystal, microphone and temperature sensor, the accelerometer being triaxial, a processor member connected to the sensor system that compares signals received from the sensor system and a recorded predetermined environment-dependent reference, a communication member of a unique identity connected to the processor member and adapted for wireless communication at least upon the triggering of an alarm signal, and a positioning member connected to the processor member and adapted to indicate, at least upon the triggering of an alarm signal, the position of said unit, a memory member connected to the processor member via a distributed computer network, and for dynamic and interactive update and development for different purposes by manoeuvring via fixed and/or mobile telephony and/or radio and/or computer unit, the method comprising the steps of:

- by means of the sensor system, detecting different states comprising vibrations, relative position changes, accelerations and temperature, wherein said accelerations are detected against three axes;
- comparing the signals received from the sensor system and the at least one environment-dependent reference predetermined for a specific environment and stored in the memory member, the predetermined environment-dependent reference being at least a sound/vibration image of the recorded normal state of the environment in which the at least one portable unit is placed;

- upon deviation of signals received from the sensor system from said environment-dependent reference, triggering an alarm signal; and
- according to instantaneous control or predetermined configuration, by means of the communication member of a unique identity, transmitting a message to at least one receiver; and
- according to instantaneous control or predetermined configuration, by means of the positioning member, determining the position of the unit;
- transmitting the position to the at least one receiver; and
- dynamically and interactively updating and developing said memory member for different purposes by manoeuvring via fixed and/or mobile telephony and/or radio and/or computer unit.

9. The method according to claim 8, wherein the detection step comprises:

- detecting different states by means of an accelerometer/silicon crystal, microphone and a temperature sensor.

10. The method according to claim 9, wherein the detection step further comprises:

- detecting different states by means of the following sensors: frequency transmitters, strain gauges, a camera, UV/photocells, electronic noses, anemometers, infrared sensors, gamma transducers, laser sensors, inductive sensors, flow sensors, level transducers, tension gauges and pressure gauges.

11. The method according to claim 8, wherein the positioning step comprises:

- determining the position by means of at least one of the following units: GPS unit, GPRS unit and GSM unit.

12. The method according to claim 8, wherein the method further comprises the step of:

- registering, and in the memory member, storing the environment-dependent reference which is comprised of the sound/vibration image that is specific to the portable unit.

13. At least one computer software product directly downloadable in the internal memory of at least one digital computer, comprising software code portions for executing the steps according to claim 8 when said at least one product is run on said at least one computer.

14. The alarm system according to claim 1, wherein the state comprises at least one of vibrations, relative position changes or accelerations.

15. The alarm system according to claim 1, wherein the predetermined environment-dependent reference is default settings for the portable unit supplemented by the recorded normal state of the environment.

16. The alarm system according to claim 1, wherein the sensor system is comprised of a plurality of different environment-dependent sound/vibration sensors.

17. The alarm system according to claim 1, wherein the sensor system is comprised of a plurality of different types of sensors and wherein an alarm signal is triggered when at least three different types of sensors simultaneously detect deviation from corresponding predetermined environment-dependent references stored in the memory member.

18. The alarm system according to claim 1, wherein the recorded image is a sound/vibration image.

19. The alarm system according to claim 1, wherein the recorded image is a recording of an amplitude of at least one parameter of the normal state of the environment varying over a specified period.

20. The method according to claim 8, wherein the recorded image is a sound/vibration image only.

21. The method according to claim 8, wherein the recorded image is a recording of an amplitude of at least one parameter of the normal state of the environment varying over a specified period.

(VIII) **EVIDENCE APPENDIX**

NONE

(IX) RELATED PROCEEDINGS APPENDIX

NONE